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May 23, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Please find enclosed two copies of a fax from my patent attorney, and place a copy in each of my two patent files numbered 6,708,648 and 6,467,430.

I just became aware of the Great Britain (GB) patent that is contained within the fax and since it's Prior Art for both patents, I believe my patents' validity would now be questionable if challenged. I was not aware of the GB patent at the times I applied for the patents. I only became aware of the GB patent this month due to a patent challenge for the same Estrus Alert Patent Pending in Australia.

Sincerely,

David A. Stampe  
Inventor

6467430

Progression through Protection

Our ref: 110839:SMV:lg  
Your ref:  
Contact: Scott Vilé  
Partner/Associate: Scott Vilé

27 April 2006

RECEIVED

MAY 09 2006

Hugh Jaeger  
1000 Superior Boulevard  
Suite 302  
Wayzata MN 55391-1873  
United States of America

Dear Sirs

**Australian Patent Application 2002303616**  
**David A. Stampe**  
**Apparatus for Detecting Estrus in Livestock**

We enclose a letter from the Australian Patent Office dated 4 April 2006 advising that a third party has lodged with the Australian Patent Office documentation, which they believe questions the patentability of the current invention.

Under Australian Patent Law a third party may notify the Patent Commissioner that they believe an invention, which is the subject of a patent application, is not a patentable invention on the basis that it is not novel and/or does not contain an inventive step. In support of such an assertion the third party must submit appropriate documentation. We enclose a copy of the notice from the Patent Office as well as the supporting documentation submitted on behalf of the third party.

The enclosed documentation is in addition to that supplied with our letter dated 11 April 2005. Both sets of documentation have been filed by the same attorney.

At this stage, no further action is required by your client. The Patent Office has not reviewed the documents but will do so when we file a response to the examiners report (see our letters dated 10 March 2005 and 27 February 2006). At that time the examiner may raise new objections if appropriate.

We will be pleased to review the documents and provide you with our further comments as to the potential effect these documents may have on the above patent application, should you so wish.

## ALL CORRESPONDENCE

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OTHER CONTACT  
DETAILS OVERLEAF

Patent and Trade Marks Attorneys  
Established 1920

Members of the Institute of  
Patent & Trade Mark Attorneys  
of Australia

Stamp 110839 FA1



Members of IPATMA

Hugh Jaeger27 April, 2006

We will await your further advice in relation to responding to the examiner's report. The deadline to respond to the examiner's report is 1 December 2006 with any response filed after 1 March 2006 attracting response fees on a month-by-month basis.

HUGH D. JAEGER, P.A.  
1000 Superior Blvd., Suite 302  
Wayzata, MN 55391-1873 U.S.A.  
FAX (952) 475-2930  
PHONE (952) 475-1880

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DATE: MAY 9, 2006  
TO: DAVID A STAMPE  
MATTER/CLIENT:  
FACSIMILE NO.: 800-786-6149  
TELEPHONE NO.:  
FROM: HUGH D JAEGER  
NUMBER OF PAGES INCLUDING COVER SHEET PAGE: 27

IF TRANSMISSION PROBLEMS OCCUR, OR YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CALL HUGH JAEGER AT (952) 475-1880.

MESSAGE:

*Australian Patent App. 2002303616*

*Please telephone me regarding the attached  
correspondence from the Australian associate.*



Australian Government

IP Australia

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04 April 2006

Wray & Associates  
PO Box Z5466  
St Georges Terrace  
EAST PERTH WA 6831  
AustraliaRE: Application number 2002303616  
in the name(s) of David A StampeYour Ref: 110838<sup>9</sup>:JHK:SMV:jt

Dear Sir/Madam

Material has been filed under the provisions of Section 27(1) of the Patents Act 1990, in relation to the above patent application. This material was received on 22 March 2006.

I accordance with Section 27(2) of the Patents Act 1990, a copy of the material has been enclosed for your information. This material will be considered by the examiner during the examination of the application.

If you need any further information please contact 0262832483. Alternatively, you may contact us by email at assist@ipaustralia.gov.au.

Yours faithfully

KERRIE WRIGHT  
IP Rights Administration  
Electronic Records Administration  
Phone: (02) 6283 2483

WRAY & ASSOCIATES	
6 APR 2006	
Fee Eamer:	<i>[Signature]</i>
85	

The Commissioner of Patents  
IP Australia  
P.O. Box 200  
WODEN ACT 2606

HALFORD & CO  
No. 1 Market Street  
SYDNEY NSW 2000  
Speed Dial 518  
Fax: (02) 9264 1810

22 March 2006

Dear Sir,

Australian Patent Application No. 2002303616  
in the name of STAMPE  
*Apparatus for detection of estrus in livestock*  
Our Reference: G03021 KJB:CCW



The following material and comments are filed under section 27 of the Australian Patents Act.

Documents

1. GB2139117 whole document;
2. 1989 Article from British Society of Animal Production;
3. 1989 Article from British Society of Animal Production;
4. 1989 Article entitled "A review of reproductive performance of female BOS INDICUS (Zebu) cattle";

Comments on Relevance

1. British patent number GB 2139117  
dated 07-11-1984, Percival Michael Paul Lumber

Structure of Lumber Patent and Stampe Patent as referred to in respective patent documents.

	GB2139117	AU 2002303616
Top Layer	Facing layer	Floodcoat
2 <sup>nd</sup> layer from top	Plastic (coloured)	Indicator Layer
3 <sup>rd</sup> layer from top	Fabric	Vinyl substrate
4 <sup>th</sup> layer from top	Adhesive	Adhesive
Bottom layer	Protective layer	Liner

In the two above mentioned patents the words may be different but the purpose and effects of each respective layer are the same.

Top layer: in both patents the Facing/Floodcoat layer is designed to be rubbed off when an animal mounts the animal to which the device is attached.

2nd layer: in both cases this Plastic/Indicator layer is the coloured indicator layer. When the top layer is rubbed off this coloured layer is exposed, indicating that the animal has been ridden by another animal and that she is "in heat" ready for artificial insemination.

In the Lumber patent, this indicator layer is a coloured PVC tape, whereas in the AU 2002303616, the indicator layer is a layer of "highly visible pigment.....". Alternatively, the coating may be a colored coating, tint, or stain."

3<sup>rd</sup> layer: in both patents this layer is the base to which the coloured indicator layer is attached. In the case of the LUMBER patent it is made of cloth and in the case of the AU 2002303616 it is a white Vinyl substrate.

4<sup>th</sup> layer: in both patents this layer is the adhesive layer used to adhere the device to the animal.

Bottom Layer: in both patents the protective layer/liner protects the adhesive prior to adhering the device to the animal. It is usually made of a silicon coated paper.

## 2. British Society of Animal Production – Winter Meeting 1989

In it's "Introduction" this publication states:

"A simple and reliable aid to detection of oestrus in cattle would help to improve reproductive efficiency where AI or embryo transfer is being used. A marking web, devised by Mr P.M.P Lumbar (sic) (a reference to the device of GB2139117), was reported (Farmers Weekly, p40, 10 June 1988) to perform this function satisfactorily."

This paper described the construction of the device:

	<u>Device described in British Society of Animal Production – Winter Meeting 1989</u>	<u>GB2139117</u>	<u>AU 2002303616</u>
<b>TOP LAYER</b>	Black adhesive mastic	Facing layer	Floodcoat
<b>2<sup>nd</sup> layer from top</b>	Red household tape	Plastic (coloured)	Indicator Layer
<b>3<sup>rd</sup> layer from top</b>	Calico	Fabric	Vinyl substrate
<b>4<sup>th</sup> layer from top</b>	Adhesive	Adhesive	Adhesive
<b>Bottom layer</b>		Protective layer	Liner

Figure 1 and the "note" to Figure 1 in this document shows and describes the construction of the device.

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Page 3

3. Proceedings of the 98<sup>th</sup> meeting of the British Society of Animal Production 1989  
Volume 48 page 660 - Broadbent PJ, Alfuraiji MM, Macdonald DC and Dolman DF.

Abstract 145 "Evaluation of a marking web device as an aid to detection of oestrus in cattle".

This is the same device as described in Lumbar's Patent and the British Society of Animal Production - Winter Meeting 1989 (see items 1 and 2 above)

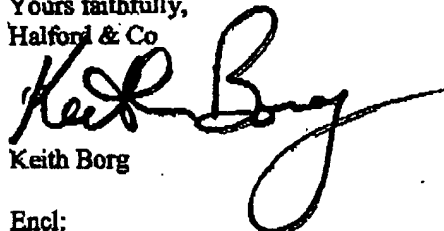
4. Ethiopia - marking web device - Mukasa-Mugerwa E 1989 - A review of reproductive performance of female Bos Indicus (zebu) Cattle

3.2.3.1 Visual methods and aids to heat detection

A marking web device is described in this document

"The marking web device is a simple and reliable oestrus detection aid recently reported by Broadbent et al (1989). It is constructed from a piece of calico (8.5 x 8.0 cm) and an 8.5 x 2.5cm strip of household tape, covered by a layer of black mastic, stuck across the calico. The device is fixed to the sacral region of the cow or heifer using a suitable adhesive. Pressure from the chest of the animal mounting peels the mastic from the underlying tape. When tested on two groups of heifers kept at pasture (n=22) or indoors (n=134), the device was found to be 86 and 59% as accurate, respectively, as for times per day visual observation; there were 14 and 41%, respectively, of false positives, but no false negatives."

Yours faithfully,  
Halford & Co



Keith Borg

Encl: